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Part
10-7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter G. Brown

Appl. No. 09/100,088

Filed: June 19, 1998

For: **System and Method for
Simulation, Modeling and
Scheduling of Solution
Preparation in Biopharmaceutical
Batch Process Manufacturing
Facilities**



Art Unit: 2763

Examiner: *To Be Assigned*

Atty. Docket: 1606.0020004

First Supplemental Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

Group 2700
Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not

exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement or fee is required.
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. A separate Petition to the Group Director, requesting consideration of this Information Disclosure Statement, is concurrently submitted herewith, along with our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).
 - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months

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Appl. No. 09/100,088

prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 4. The documents were cited in a search report by a foreign patent office in a counterpart foreign application. A copy of the search report is enclosed for the convenience of the Examiner.
- 5. A concise explanation of the relevance of the non-English language document(s) appears below:
- 6. The Examiner's attention is directed to co-pending U.S. Patent Application Nos. 09/019,777, filed February 6, 1998, 09/100,028, filed June 19, 1998, 09/100,024, filed June 19, 1998, 09/100,232, filed June 19, 1998, 09/373,793, filed August 13, 1999, and 09/373,794, filed August 13, 1999, which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to the applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.
- 7. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

Peter G. Brown
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicant
Registration No. 43,806

Date: 9/30/99

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October 4, 1999

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Assistant Commissioner for Patents
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Re: U.S. Utility Patent Application
Appl. No. 09/100,088; Filed: June 19, 1998
For: **System and Method for Simulation, Modeling and Scheduling of
Solution Preparation in Biopharmaceutical Batch Process
Manufacturing Facilities**

Inventor: Peter G. BROWN
Our Ref: 1606.0020004

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Transmitted herewith for appropriate action are the following documents:

1. First Supplemental Information Disclosure Statement;
2. Form PTO-1449 along with a copy of the six (6) cited references; and
3. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Assistant Commissioner for Patents
October 4, 1999
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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